
IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff–Appellant

v.

RANDY PRICE,
Defendant–Appellee.

No. 22-4609

**MOTION FOR EXTENSION OF TIME TO FILE
GOVERNMENT’S REPLY BRIEF**

The United States moves for a 14-day extension of time, to and including March 2, 2023, within which to file its reply brief in this case. The government’s reply brief is currently due without extension on February 16, 2023. The reasons for this request are as follows:

1. Defendant–Appellee Randy Price was charged in a two-count indictment with possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1) (Count One), and possession of a firearm with an obliterated serial number, in violation of 18 U.S.C. § 922(k) (Count Two). The government appeals from the district court’s order dismissing Count Two based on its conclusion that § 922(k) is facially unconstitutional under the Second Amendment. The appeal involves the application of the Second Amendment

standard recently articulated in *New York State Rifle and Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022).

2. Price filed his response brief on March 6, 2023, after obtaining one 30-day extension.

3. Undersigned counsel will require additional time, beyond the ten days allotted by this Court’s Local Rule 31(a), to adequately reply to the arguments in Price’s response brief and allow the brief to be reviewed within the Department of Justice.

4. Undersigned counsel has other responsibilities that prevent him from devoting all his time to drafting the reply brief in this case, including the following:

- Responding to the Fifth Circuit’s decision *United States v. Rahimi*, No. 21-11001 (5th Cir. Feb. 2, 2023), which held unconstitutional 18 U.S.C. § 922(g)(8)’s prohibition on firearm possession by those subject to domestic violence restraining orders. Undersigned counsel served as lead counsel in *Rahimi*, and the Attorney General has publicly announced that the United States will seek further review of that decision.
- Drafting a reply brief in *United States v. Cloud*, No. 22-30044 (9th Cir.), currently due February 24, 2023.

- Advising U.S. Attorney's Offices on legal issues arising from the Supreme Court's decision in *Bruen*, which has generated substantial litigation in federal criminal cases.

5. Lex Coleman, counsel for Defendant–Appellee, has indicated that he neither consents to nor objects to this request.

Wherefore, the United States respectfully requests that the Court extend the time to file the government's reply brief to March 2, 2023.

Respectfully submitted,

s/William A. Glaser
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CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 384 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in Calisto MT 14-point type.

s/William A. Glaser
WILLIAM A. GLASER